



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 79

***EMERGENCY SUSPENSIONS TO ASSIST IN MEETING EDUCATIONAL NEEDS OF
LOUISIANA STUDENTS REGARDING TYPE 3 CHARTER SCHOOLS***

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;
- WHEREAS,** Hurricane Katrina and Hurricane Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with the private property and public facilities;
- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation No. 48 KBB 2005, amended by Proclamation Nos. 54 KBB 2005 and 61 KBB 2005, and Proclamation No. 53 KBB 2005, amended by Proclamation No. 60 KBB 2005;
- WHEREAS,** as a direct consequence of the disaster and evacuation, many Louisiana schools were damaged or destroyed and are currently inoperable. Thousands of public school students are unable to attend the schools in the school district in which they resided prior to the hurricanes and such students have temporarily enrolled in other schools districts throughout the state. However, many of these students will return to the school district in which they resided prior to the hurricanes in need of an operational school to attend;
- WHEREAS,** La. Constitution Art. VIII, §1 states that the Louisiana Legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system. In addition to local public school boards, charter schools, created pursuant to La. R.S. 17:3971, *et seq.*, may fulfill this obligation;
- WHEREAS,** Charter schools are required to comply with various statutory and regulatory provisions governing the operation of their schools. Local school boards also incur responsibilities under certain regulatory statutes governing charter schools and the chartering process;
- WHEREAS,** R.S. 29:724(D)(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** the state superintendent of the Department of Education supports the suspension of certain Type 3 charter school provisions to facilitate the use of charter schools to assist in meeting the educational needs of Louisiana students;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana,

by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: R.S. 17:3973(2)(b)(iii) is hereby suspended to the extent that it provides that prior to the creation of a Type 3 charter to convert a pre-existing school, it shall be approved by the professional faculty and staff of the pre-existing school and approved by the parents or guardian of children enrolled in the school as provided in R.S. 17:3983(C).

SECTION 2: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 28th day of October, 2005.



/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Al Ater
SECRETARY OF STATE